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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,847	03/04/2002	Anthony Splaver	2893-17	5910

7590 03/05/2004

MARGER JOHNSON & McCOLLOM, P.C.  
1030 S.W. Morrison Street  
Portland, OR 97205

EXAMINER
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TAYLOR, BARRY W

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 03/05/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/090,847

**Applicant(s)**

SPLAVER ET AL.

**Examiner**

Barry W Taylor

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ung et al (6,694,000 hereinafter Ung) in view of Joyce et al (6,381,316 hereinafter Joyce) cited on the Ung patent.

Regarding claim 1: Ung teaches a method for storing electronic communications for access over a global communications system, comprising:

establishing a prepaid account including a validation number and an account balance (col. 2 lines 42-47, figure 4);

receiving an electronic communication to the prepaid account (see columns 2-4 wherein the electronic communication is CDR information relating to subscriber's prepaid account);

storing the electronic communication in a central repository (see web gateway 120 figure 1 used as central repository for WEB Based Prepaid Reporting Page);

logging in to the central repository from a remote computer using the validation number (see subscriber uses Internet device 300 figure 1 to log into the Web Gateway 120 from remote locating via Internet 250 connection);

serving the electronic communication to the remote computer (see figure 3 wherein electronic information is displayed on Web page to subscriber); and

decrementing the prepaid account.

Ung does not show charging the prepaid account when subscriber accesses the Web Based Prepaid Reporting Page.

Joyce teaches an enhanced communication platform and related communication method using the platform supporting the use of personal identification number access cards for use in fixed and mobile markets from any communication device located anywhere in the world providing flexible call processing and switching services that deliver enhanced computer telephony capabilities (abstract). Joyce discloses using calling cards used for advanced communications, such as voice mail, call forwarding, call conferencing, faxes, etc. (col. 2 lines 60-67, col. 3 lines 1-38, col. 3 lines 52-65, col. 5 lines 48-62, col. 6 lines 16-30, col. 8 lines 35-58, col. 9 line 60 – col. 10 line 51, col. 11

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lines 3-65, col. 15 lines 21-31, col. 17 lines 30-50, col. 20 line 45). Joyce even charges for the services provided to subscriber by decrementing a charge from a pre-paid user account or adding a charge to a credit account (col. 4 lines 7-42, col. 9 lines 5-23, col. 12 line 67 – col. 13 line 12, col. 20 lines 25-50). Joyce provides visual access to subscriber (see web page used col. 5 lines 60-62, columns 12-13, col. 14 lines 1-36, col. 15 lines 1-5, col. 15 lines 11-63, col. 20 lines 25-50).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the web page as taught by Ung to include prepaid account information as taught by Joyce for the benefit of offering additional services, such as voice mail and facsimile to subscribers for additional fees charged to subscriber's pre-paid account.

Regarding claims 2-3. Ung does not explicitly show voice mail and faxes used as the electronic communication.

Joyce teaches an enhanced communication platform and related communication method using the platform supporting the use of personal identification number access cards for use in fixed and mobile markets from any communication device located anywhere in the world providing flexible call processing and switching services that deliver enhanced computer telephony capabilities (abstract). Joyce discloses using calling cards used for advanced communications, such as voice mail, call forwarding, call conferencing, faxes, etc. (col. 2 lines 60-67, col. 3 lines 1-38, col. 3 lines 52-65, col. 5 lines 48-62, col. 6 lines 16-30, col. 8 lines 35-58, col. 9 line 60 – col. 10 line 51, col. 11

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It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the web page as taught by Ung to include prepaid account information as taught by Joyce for the benefit of offering additional services, such as voice mail and facsimile to subscribers for additional fees charged to subscriber's pre-paid account.

Regarding claims 4-5. Ung teaches enabling the account balance to be increased and tracking each time the account balance is increased (see Replenishment History figure 3). Joyce also discloses pre-paid account inquiry whereby either on-line or voice activated access is provided to subscribers (see all especially col. 10 lines 18-43, col. 13 lines 11-12, col. 13 lines 63-67, col. 14 lines 1-67, col. 15 lines 21-31).

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W. Taylor whose telephone number is (703) 305-4811. The examiner can normally be reached on Monday-Friday from 6:30am to 4pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703) 305-4708. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 customer service Office whose telephone number is (703) 306-0377.

  
CURTIS KUNTZ  
SUPERVISOR PATENT EXAMINER  
TECHNOLOGY CENTER 2600